Attorney Docket: 147/37315D2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JOHN E. PILETZ ET AL.

Serial No.: 09/414,643 Group Art Unit: 1646

Filed: OCTOBER 8, 1999 Examiner: E. Lazar-Wesley

Title: DNA MOLECULES ENCODING IMIDAZOLINE RECEPTIVE POLYPEPTIDES AND POLYPEPTIDES ENCODED THEREBY

CORRECTED DECLARATION OF JOHN E. PILETZ UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, John E. Piletz, hereby declare as follows:

1. I am the first named inventor of the invention which is described and claimed in the above-identified patent application. The application describes and claims an isolated DNA molecule operably linked to a promoter sequence, wherein the sequence of the DNA molecule encodes an imidazoline receptive protein.

2. I make this declaration to explain the circumstances giving rise to sequencing errors contained in the originally filed patent application papers which we have corrected by previous amendment.

3. The first of these sequencing errors involves the ambiguousness of the nucleotide sequence at the very 3' end of the EST04033 clone. This can be seen by comparing the SEQ ID NO.:1 found in application Serial No. 08/650,766 ("'766 Application"), filed March 20, 1996, with the SEQ ID NO.:1 found in application Serial No. 08/922,635 ("'635 Application", parent case of the present application), filed September 3, 1997 as a continuation-in-part of the '766 Application:

SEQ ID NO.:1 in 08/650,766 ends with: ACCTCGA

SEQ ID NO.:1 in 08/922,635 ends with: ACCTGCAG.

The ambiguousness occurred because this sequence is found near the end of the films where it is more difficult to clearly determine the tracings of the bands. The ambiguity cannot be resolved, and we therefore are eliminating the last four nucleotide bases from SEQ ID NO.:1 of the instant application.

4. The corrected sequence is not believed to represent "new matter" because it merely amends ambiguous sequence found at the very 3' end of clone EST04033. This portion of the sequence is part of the plasmid and is not part of the coding sequence for an imidazoline receptive protein. Correction of this inadvertent error will not change the claimed sequence for the claimed product.

5. A second sequencing error involves an error in the amino acid sequence in SEQ ID NOs.:1, 5 and 6. At positions 54, 66, 199, 204, 216 and 335 of SEQ ID NOs.:1 and 5 and at position 74 of SEQ ID NO.:6, the amino acid tryptophan (Trp) was erroneously put for the codon "cgg" instead of arginine (Arg).

6. The change from tryptophan (Trp) to arginine (Arg) for codon "cgg" is not believed to represent "new matter" because it merely corrects an obvious error. It is well established that the codon "cgg" can only code for arginine.

7. We therefore submitted an amendment in the '635 Application, to correct the erroneous sequence information given therein for the described clone and the encoded amino acid sequences.

For the sake of completeness, I note that a similar Declaration was filed in the '635 Application which inadvertently referred to "the codon 'ccg'" where it should have referred to "the codon 'cgg'". This obvious inconsistency is not present in this Corrected Declaration.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true, and further these statements were made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/13/01
Date

John E. Piletz